

Translation

PATENT COOPERATION TREATY

PCT

PCT/JP2003/013183



531218

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference YS03001PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/013183	International filing date (day/month/year) 15 October 2003 (15.10.2003)	Priority date (day/month/year) 29 October 2002 (29.10.2002)
International Patent Classification (IPC) or national classification and IPC C04B 38/10, 28/14, E04C 2/04		
Applicant YOSHINO GYPSUM CO., LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 15 March 2004 (15.03.2004)	Date of completion of this report 27 October 2004 (27.10.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/013183

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☐ the description:
pages _____, as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the claims:
pages _____, as originally filed/furnished
pages* _____, as amended (together with any statement) under Article 19
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the drawings:
pages _____, as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 03/13183

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

- Document 1: JP 54-1324 A (Sumitomo Metal Mining Co., Ltd.), 08 January 1979
- Document 2: JP 10-330174 A (Yoshino Gypsum Co., Ltd.), 15 December 1998
- Document 3: JP 6-24869 A (Sekisui House, Ltd.), 01 February 1994
- Document 4: JP 7-69700 A (Hiromitsu SHIGEKURA), 14 March 1995
- Document 5: JP 6-48862 A (Mitsubishi Materials Corp.), 22 February 1994

Claim 1

Document 2 (claims and paragraphs [0013] to [0017]) cited in the international search report discloses the feature of producing a gypsum board from a slurry that comprises calcinated plaster, water, a foaming agent and a foam stabilizer; however, document 1 does not disclose or suggest a "step wherein the aforementioned foaming agent, which generates a foam that has a predetermined size distribution, is obtained by adding a void-size adjusting agent, which adjusts the size distribution of the foam that is dispersed in the aforementioned foamed gypsum slurry, to a mixture that comprises water and the starting solution for the aforementioned foaming agent in advance,"

which is set forth in claim 1. In other words, document 1 does not disclose or suggest the feature of generating foam within a mixture that comprises a foaming agent and a void-size adjusting agent and then adding the generated foam to a gypsum slurry, instead of directly adding a foaming agent and a foam stabilizer to a gypsum slurry.

In addition, document 1 (page 3, upper right column, line 8 to page 4, upper right column, line 13) cited in the international search report discloses aluminum sulfate, document 3 (paragraph [0011]) cited in the international search report discloses sodium sulfosuccinate, document 4 (claim 4) cited in the international search report discloses ester salts of alkyl sulfosuccinate, and document 5 (paragraph [0011]) cited in the international search report discloses aluminum sulfate; however, these compounds are not void-size adjusting agents. Therefore, documents 2 and 3 to 5 do not disclose or suggest a "step wherein the aforementioned foaming agent, which generates a foam that has a predetermined size distribution, is obtained by adding a void-size adjusting agent, which adjusts the size distribution of the foam that is dispersed in the aforementioned foamed gypsum slurry, to a mixture that comprises water and the starting solution for the aforementioned foaming agent in advance."

As a result, it would be impossible to derive the abovementioned feature by combining the inventions that are disclosed in documents 1 to 5; therefore, the invention that is set forth in claim 1 is novel and involves an inventive step.

Claims 2 to 6

The inventions that are set forth in claims 2 to 6 are inventions which cite the invention that is set forth in claim 1; therefore, the inventions that are set forth

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 03/13183

in claims 2 to 6 are novel and involve an inventive step
in the light of the novelty and inventive step of the
invention that is set forth in claim 1.